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Attorney for Defendant
RAYMOND LEE HILL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr. S 04-133 GEB
)	
Plaintiff,)	STIPULATION AND [lodged] ORDER TO
)	REDUCE SENTENCE PURSUANT TO 18
v.)	U.S.C. § 3582(c) (2)
)	
RAYMOND LEE HILL,)	<u>RETROACTIVE CRACK COCAINE REDUCTION</u>
)	<u>CASE</u>
Defendant.)	
)	
_____)	

Defendant, RAYMOND LEE HILL, by and through his attorney,
Assistant Federal Defender David M. Porter, and plaintiff, UNITED
STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney
Jason Hitt, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c) (2), this court may reduce the
term of imprisonment in the case of a defendant who has been sentenced
to a term of imprisonment based on a sentencing range that has
subsequently been lowered by the Sentencing Commission pursuant to 28
U.S.C. § 994(o);

2. Mr. Hill was sentenced by this Court on October 29, 2004, to
a term of 188 months and 23 days imprisonment. His guideline range was
262 to 327 months, based on a total offense level of 35 and criminal

1 history category 5, and he received a 25% reduction from the low end of
2 the applicable guideline range on the government's motion;¹

3 3. The sentencing range Mr. Hill was sentenced under was
4 subsequently lowered by the United States Sentencing Commission on
5 November 1, 2007. See U.S.S.G. App. C, Amdt. 706, as amended by Amdt.
6 711;

7 4. Retroactive amendment 706 to the Sentencing Guidelines' Drug
8 Quantity Table in § 2D1.1 reduces the base offense level by 2 levels.
9 See *id.*; U.S.S.G. § 1B1.10, p.s. (Nov. 2007);

10 5. This amendment changes Mr. Hill's guideline range from 262 to
11 327 months, to 210 to 262 months, based on the prior computation of
12 specific offense characteristics, adjustments, criminal history
13 category, and departures, and applying the same 25% reduction, Mr.
14 Hill's new sentence would be 149 months and 23 days;

15 6. Mr. Hill was not sentenced at a congressionally mandated
16 minimum sentence, and he is therefore eligible for a reduction of his
17 sentence by retroactive application of Amendment 706 pursuant to 18
18 U.S.C. § 3582(c)(2) and policy statement § 1B1.10;

19 7. Accordingly, the parties respectfully request the court enter
20 the order lodged herewith resentencing Mr. Hill to a sentence of 149

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26 ¹ The government recommended a sentence of 196 months, and the
27 Court agreed to run the recommended sentence concurrent to his parole
28 revocation sentence in Sacramento County Superior Court Case No.
97F06441, with credit for 7 months and 7 days served on that sentence,
for a total term of 188 months and 23 days.

months and 23 days to be served concurrent with the Parole Revocation Term.

Dated: November 18, 2009

Respectfully submitted,

BENJAMIN B. WAGNER
United States Attorney

DANIEL J. BRODERICK
Federal Defender

/s/ Jason Hitt
JASON HITT
Assistant U.S. Attorney
Attorney for Plaintiff
UNITED STATES OF AMERICA

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender
Attorney for Movant
RAYMOND LEE HILL

ORDER

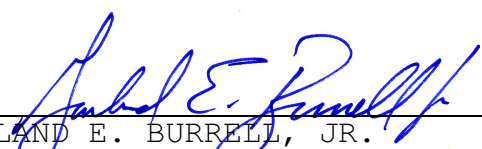
On October 29, 2004, this Court sentenced Mr. Hill to a term of imprisonment of 188 months and 23 days. The parties agree, and the Court finds, that Mr. Hill is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces his applicable offense level.

IT IS HEREBY ORDERED that the term of imprisonment originally imposed is reduced to 149 months and 23 days to be served concurrent with the Parole Revocation Term.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect.

Unless otherwise ordered, Mr. Hill shall report to the United States Probation office closest to the release destination within seventy-two hours after his release.

Dated: November 19, 2009


GARLAND E. BURRELL, JR.
United States District Judge